

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on December 13, 2005, the Examiner objected to the drawings and to claims 4, 5, 16, and 19-20. The Examiner also rejected claims 5 and 17-21 under 35 U.S.C. 112, second paragraph, rejected claims 1 and 3-7 under 35 U.S.C. 102(b) as being anticipated by Wugofski (Wugofski, Ted. "A Modular Hypertext Markup Language for Broadcast Applications," 1 October 1998, Draft #4, Over the Moon Productions / Gateway, <http://xml.coverpages.org/bhtml-4.html>, hereinafter "Wugofski"), rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of A90 (Advanced Television Systems Committee, "ATSC Data Broadcast Standard." Doc. A/90, 26 July 2000, hereinafter "A90"), rejected claims 8-10 and 12-13 under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of A90 and Dolan (Dolan, Michael A. "Report on Television Data Applications," NIST GCR 01-818, 1 July 2001, hereinafter "Dolan"), rejected claims 14 and 21 under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of A90 and further in view of Eyer et al (United States Patent No. 5,982,445, hereinafter "Eyer"), and rejected claims 15-20 under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of A90 in view of Eyer and further in view of Dolan. Accordingly, Applicant respectfully provides the following:

Objections to the Drawings and to the Claims

In the Office Action, the Examiner objected to the drawing set and to claims 4, 5, 16, and 19-20. Applicant respectfully submits that the amendments provided herein, including the replacement sheets being submitted herein and the amendments made to the claim set, overcome the objections made by the Examiner. (Also enclosed is a set of annotated sheets showing changes made to the drawings.)

Rejection under 35 U.S.C. § 112

The Examiner rejected claims 5 and 17-21 under 35 U.S.C. §112, second paragraph. Applicant respectfully submits that the amendment made herein to the claim set overcome the rejections made by the Examiner under 35 U.S.C. § 112.

Rejections under 35 U.S.C. 102

In the Office Action, the Examiner rejected claims 1 and 3-7 under 35 U.S.C. 102(b) as being anticipated by Wugofski. Applicant respectfully submits that the amendments provided herein overcome the rejections made under 35 U.S.C. 102, and that the claim set as provided herein is not anticipated by Wugofski.

Rejections under 35 U.S.C. 103

The Examiner rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of A90, rejected claims 8-10 and 12-13 under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of A90 and Dolan, rejected claims 14 and 21 under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of A90 and further in view of Eyer, and rejected claims 15-20 under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of A90 in view of Eyer and further in view of Dolan. Applicant respectfully submits that the claim set as provided herein is not made obvious by the cited references.

The standard for a Section 103 rejection is set for in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Applicant respectfully submits that the references cited by the Examiner do not teach or suggest the limitations claimed in the present invention. In particular, independent claim 8 as provided recites a method of providing access to one or more services within a Digital TV Application Software Environment (DASE), the method comprising: receiving a transport stream having content and one or more applications, wherein the one or more applications provide the one or more services within the Digital TV Application Software Environment (DASE); using a renderer to interpret and prepare the content for rendering on a display device; mapping at least one XXML document to a Document Object Model (DOM) structure, the XXML document having at least one atomic element defined as a “tag” and the DOM having an atomic element defined as a “node;” and using a declarative application program interface to access Program System Information Protocol (PSIP) data, wherein the declarative application program interface comprises an XXML application program interface module that introduces new tags having semantics that enable HTML pages to perform an active dynamic discovery of at least one of (i) the content and (ii) the services, wherein the XXML application program interface module includes a rule structure for: defining a condition within the node; upon satisfaction of the condition, realizing an action defined by the at least one tag, which action is found within the PSIP data; and otherwise, realizing an action defined by the node. Such limitations are supported by the disclosure as originally filed. For example, reference is made to pages 8-14 of the original disclosure provides.

In contrast, none of the references cited by the Examiner, alone or in combination, teach or suggest such limitations as claimed in independent claim 8. Accordingly, Applicant respectfully submits that since the references cited by the Examiner do not teach or suggest all

the claim limitations of independent claim 8, the references do not make obvious independent claim 8.

As provided above, independent claim 8 recites limitations relating to using a declarative application program interface to access Program System Information Protocol (PSIP) data, wherein the declarative application program interface comprises an XDMML application program interface module that introduces new tags having semantics that enable HTML pages to perform an active dynamic discovery of at least one of (i) the content and (ii) the services. Similar limitations are also recited in independent claims 14 and 24. Applicant respectfully submits that none of the references cited by the Examiner, alone or in combination, teach or suggest such limitations as claimed in independent claims 14 and 24. Accordingly, Applicant respectfully submits that for at least this reason, since the references cited by the Examiner do not teach or suggest all the claim limitations of independent claims 14 or 24, the references do not make obvious independent claim 14 or 24.

Additionally, Applicant respectfully submits that since the prior art references do not make obvious independent claims 8, 14 or 24, the prior art references cited by the Examiner also do not make obvious the corresponding dependent claims, which depend from independent claims 8, 14 or 24.


Thus, Applicant respectfully submits that for at least the reasons provided herein, the claim set as provided herein overcomes all rejections made by the Examiner in the Office Action.

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 13 day of April, 2006.

Respectfully submitted,


Michael E. Krieger
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893

DBT:lc
870099



Title: METHOD AND SYSTEM FOR ACCESSING AND
IMPLEMENTING DECLARATIVE APPLICATIONS USED
WITHIN DIGITAL MULTI-MEDIA BROADCAST

Inventor: Eddie M. Schwalb

Serial No. 09/942,136 Filing Date: August 7, 2001

Docket No. 10237.8

Annotated Sheet Showing Changes

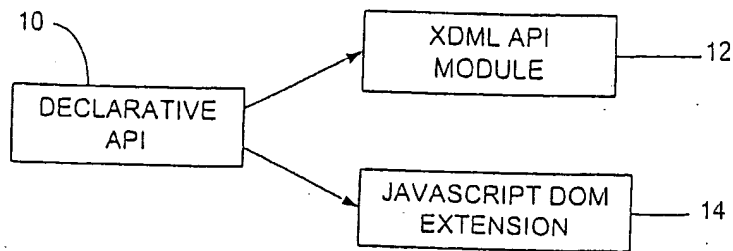


FIGURE 1

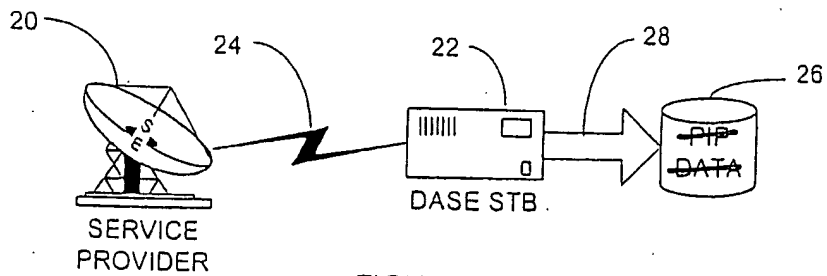


FIGURE 2

Title: METHOD AND SYSTEM FOR ACCESSING AND
IMPLEMENTING DECLARATIVE APPLICATIONS USED
WITHIN DIGITAL MULTI-MEDIA BROADCAST

Inventor: Eddie M. Schwalb

Serial No. 09/942,136 Filing Date: August 7, 2001

Docket No. 10237.8

Annotated Sheet Showing Changes

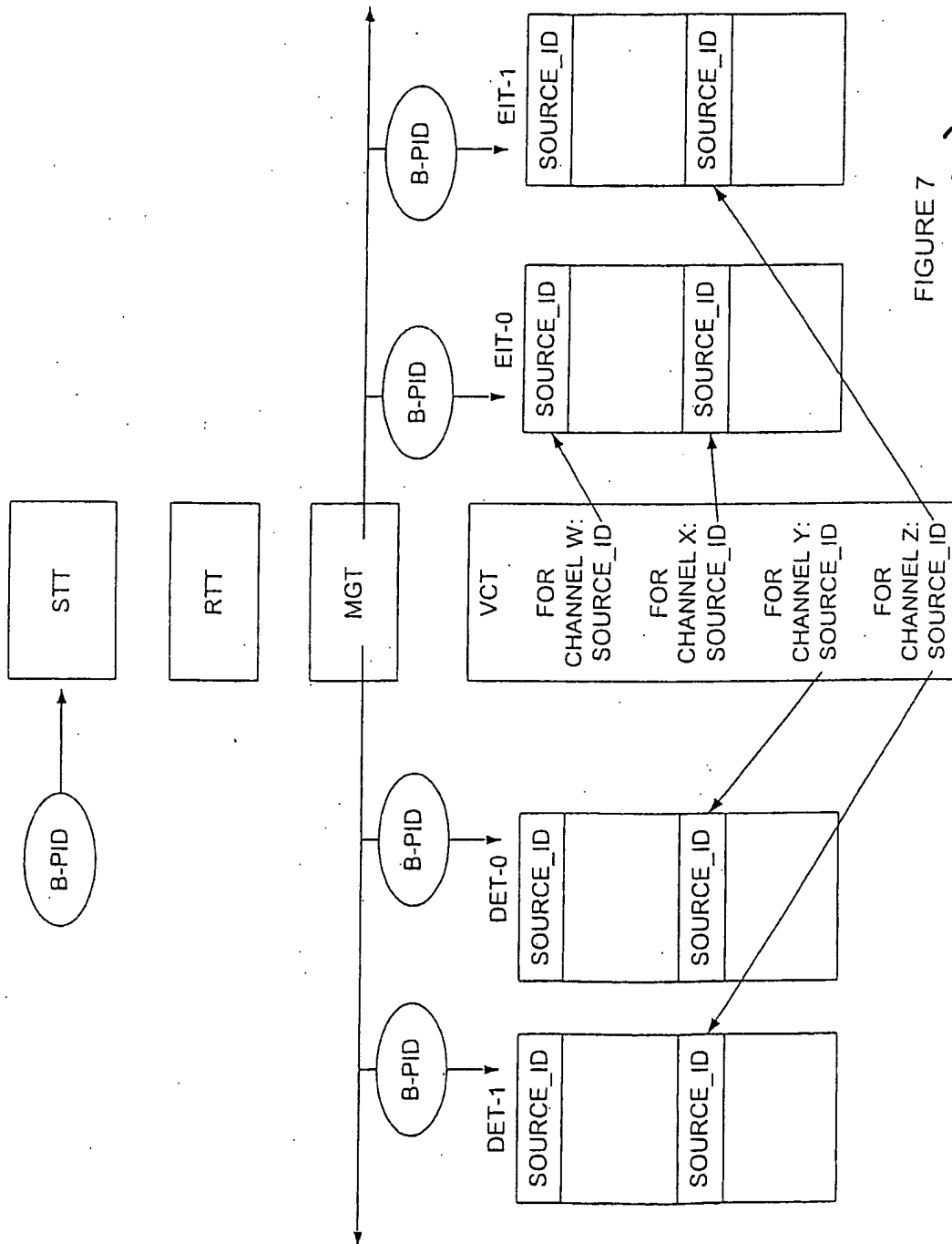


FIGURE 7
(PP108-ADT)

Title: METHOD AND SYSTEM FOR ACCESSING AND
IMPLEMENTING DECLARATIVE APPLICATIONS USED
WITHIN DIGITAL MULTI-MEDIA BROADCAST

Inventor: Eddie M. Schwalb

Serial No. 09/942,136 Filing Date: August 7, 2001

Docket No. 10237.8

Annotated Sheet Showing Changes

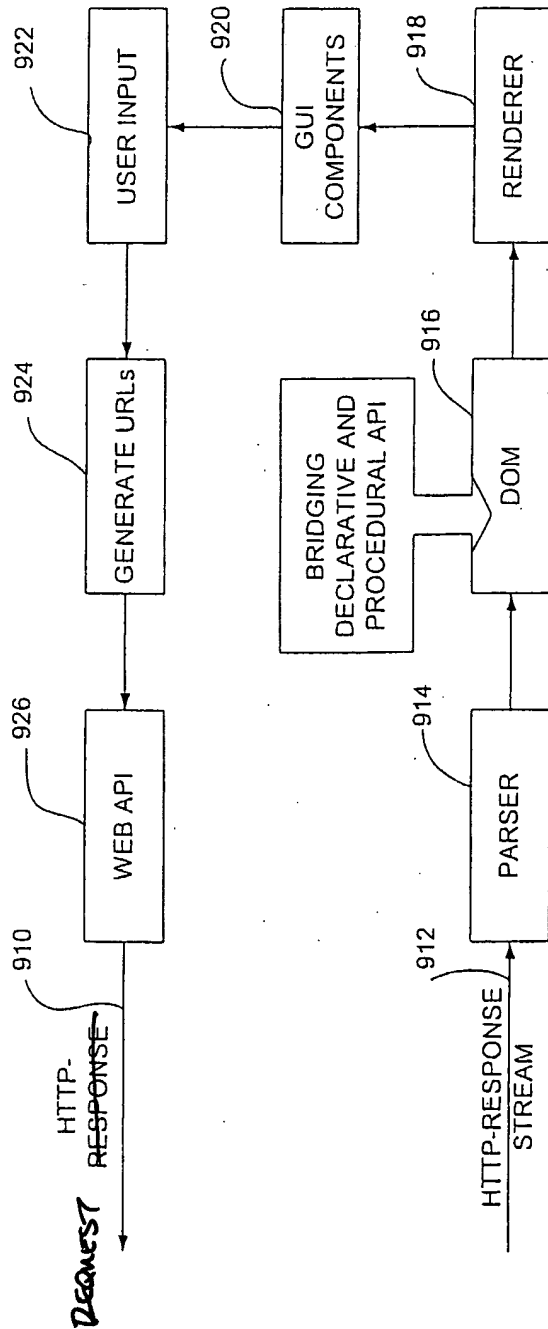


FIGURE 9
(PRIOR ART)